

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VITTORIO ABRUZZINO,

Plaintiff,

v.

Case No. 08-CV-11534

CRAIG HUTCHINSON, et al.,

Defendants.

**ORDER REJECTING PLAINTIFF'S "TRAVERSE TO RESPONSE"
AND AFFIRMING MAGISTRATE JUDGE**

This is a prisoner civil rights action filed under 42 U.S.C. § 1983. On February 23, 2009, Plaintiff Vittorio Abbruzzino filed a "Motion for the Appointment of Counsel." Magistrate Judge Michael Hluchaniuk denied Plaintiff's motion on April 3, 2009, and Plaintiff filed an appeal to this court entitled "Traverse to Response Answer . . . Order Denying Appointment of Counsel Without Prejudice."

In his order denying Plaintiff's motion, the magistrate judge found that Plaintiff "has an adequate understanding of the matters involved . . . and is able to articulate his claims and arguments in a reasonable fashion." (4/3/09 Order at 3.) Further, the magistrate judge noted that "the issues raised in [Plaintiff's] complaint are straightforward and understandable and not of an unduly complex nature." (*Id.*) Plaintiff's appeal does little more than recite the legal standard for the appointment of counsel, and avers that "[e]ven if you . . . think you know the law pretty well, a lawyer can generally do a better job than a prisoner." (Pl.'s Resp. at 2.) While that may be true, this court – after referring pretrial matters – may overturn the decision of the

magistrate judge only if it is “clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A); *Banner v. City of Flint*, 99 F. App’x 29, 35 (6th Cir. 2004). Plaintiff demonstrates no such clear error here. Accordingly,

IT IS ORDERED that Plaintiff’s “Traverse to Response Answer . . . Order Denying Appointment of Counsel Without Prejudice” [Dkt. # 40] is REJECTED.

IT IS FURTHER ORDERED that the magistrate judge’s “Order Denying Plaintiff’s Motion for Appointment of Counsel” [Dkt. # 37] is AFFIRMED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 20, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 20, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522